

Court of Appeals, State of Michigan

ORDER

Legalquest Network PC v Janjua LLC

Docket No. 285760

LC No. 08-103175-AV

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Kirsten Frank Kelly
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the May 13, 2008, order of the Wayne County Circuit Court is REVERSED IN PART to the extent that the circuit court entered a judgment in favor of plaintiffs on their breach of contract claim against defendants, and awarded costs and attorney fees. The professional service agreement signed by the parties required plaintiff Roger Rathj to obtain authorization from defendant Mohinder Janjua prior to charging an additional fee. The agreement did not require this authorization to be in writing. Because the district court erred in ruling that plaintiffs could not recover on their breach of contract claim due to plaintiffs' failure to obtain written authorization, the circuit court properly reversed this ruling. However, the circuit court could not enter a judgment in favor of plaintiffs, and award costs and attorney fees, where it is clear from the bench trial transcript that the district court failed to resolve the remaining factual disputes, the primary dispute being whether defendant Janjua orally authorized attorney Rathj to perform additional work beyond the scope of the professional service agreement. Accordingly, the matter is REMANDED to 34th District Court, lower court number 07-4334-GC, for factual findings and rulings of law on the breach of contract claim asserted by plaintiffs. On remand, the district court should also determine if costs and attorney fees are expressly allowed. See *Spectrum Health v Grahl*, 270 Mich App 248, 252-253; 715 NW2d 357 (2006).

The Court further orders that the motion to file a late answer is GRANTED.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 07 2008

Date

Sandra Schultz Mengel
Chief Clerk